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*Counsel for Defendant Capital One Financial Corp.*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MOHAMED ROSHAN,	:
	:
Plaintiff,	:
	:
v.	:
	:
CAPITAL ONE FINANCIAL CORP.,	:
	:
Defendant.	:
	:
-----	X

Case No. 1:25-cv-02653-RER-JAM

**SECOND DECLARATION OF  
PHILIP A. GOLDSTEIN IN  
SUPPORT OF CAPITAL ONE'S  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT  
PURSUANT TO FED. R. CIV. P.  
12(b)(6)**

I, PHILIP A. GOLDSTEIN, being of full age, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury as follows:

1. I am Counsel with the law firm McGuireWoods LLP, attorneys for Defendant Capital One Financial Corporation ("Capital One").<sup>1</sup> I am admitted to practice law before this Court, and I am familiar with the pleadings, facts, and circumstances in this action. I submit this declaration in further support of Capital One's Motion to Dismiss Plaintiff Mohamed Roshan's ("Plaintiff") Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

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<sup>1</sup> Capital One, N.A. is the proper defendant in this matter, as it is the national banking association that maintains credit card accounts, including the accounts at issue in this litigation. Capital One Financial Corporation is a non-operating holding company, which has at no time maintained the credit card accounts at issue in this action. Therefore, Capital One Financial Corporation is not the proper defendant.

2. Attached as **Exhibit A** are true and correct copies of the following authorities to be provided to *pro se* litigants pursuant to Local Civil Rule 7.2 that are cited in the accompanying memorandum of law:

- a. *Arnold v. Harp v. Police & Fire Fed. Credit Union*, No. CV 23-2577, 2023 WL 5152625 (E.D. Pa. Aug. 10, 2023);
- b. *Chavis v. T-Mobile US, Inc.*, No. A-23-CV-1513-DII-SH, 2024 WL 150734 (W.D. Tex. Jan. 11, 2024);
- c. *Douglas v. AutoNation Honda Covington Pike*, No. 3:23-CV-340-MPM-RP, 2023 WL 6368330 (N.D. Miss. Sept. 12, 2023);
- d. *Douglas v. AutoNation Honda Covington Pike*, No. 3:23-CV-340-SA-RP, 2023 WL 6326659 (N.D. Miss. Sept. 28, 2023);
- e. *Frederick v. Wells Fargo Home Mortg.*, No. 13-CV-7364 DLI LB, 2015 WL 1506394 (E.D.N.Y. Mar. 30, 2015);
- f. *Harp v. Police and Fire Fed. Credit Union*, No. CV 23-2577, 2023 WL 5152625 (E.D. Pa. Aug. 10, 2023);
- g. *Hurt v. Exeter Finance, LLC*, No. 4:23-cv-1285, 2023 WL 8088601 (E.D. Mo. Nov. 21, 2023);
- h. *Lee Joseph Vidrine v. Capital One Bank*, No. 6:23-CV-01500, 2024 WL 802242 (W.D. La. Feb. 9, 2024);
- i. *Payne v. Spectrum*, No. SA-23-CV-01313-XR, 2023 WL 8681199 (W.D. Tex. Dec. 15, 2023);
- j. *Santander Consumer USA*, No. 3:24-cv-1125, 2025 WL 1358546 (D. Conn. May 9, 2025);
- k. *Scriven v. Barnum*, No. 24-CV-1805 (EK)(MJ), 2024 WL 1769318 (E.D.N.Y. Apr. 24, 2024);
- l. *Skvarla v. MRS BPO, LLC*, No. 21-CV-55 (ER), 2021 WL 2941118 (S.D.N.Y. July 12, 2021);
- m. *Thomas v. Wells Fargo Bank*, No. CV 23-00206-TFM-B, 2024 WL 478068 (S.D. Ala. Jan. 12, 2024);
- n. *Thomas v. Wells Fargo Bank*, No. 1:23-CV-206-TFM-B, 2024 WL 474903 (S.D. Ala. Feb. 7, 2024);

- o. *Vidrine v. Capital One Bank*, No. 6:23-CV-01500, 2024 WL 790380 (W.D. La. Feb. 26, 2024);
- p. *Wilson v. Aqua Fin.*, No. 3:23-5348-SAL-SVH, 2023 WL 7924150 (D. S.C. Oct. 26, 2023); and
- q. *Yarborough v. Queens Auto Mall, Inc.*, No. 08-CV-3179 DLI ALC, 2010 WL 1223584 (E.D.N.Y. Mar. 23, 2010).

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on June 3, 2025 in New York, New York.

/s/ Philip A. Goldstein  
PHILIP A. GOLDSTEIN

*Attorney for Defendant Capital One  
Financial Corporation*

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